

TITLE 1: GOVERNMENT AND ADMINISTRATION
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Chapter 34: Risk Management Division.

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12.341 Risk Management Division Established.

There is hereby created and established a Risk Management Division which shall be a division reporting to and working under the Assistant Administrative Officer for Human Resources.

Adopted Ordinance #2734 (1983); Amended Ordinance #3397 (1990); Amended Ordinance 3390 (1990);

12.342 Risk Management Division Functions.

The purpose of the Risk Management Division is to provide protection for the County's assets by identifying risk exposure areas; by treating these areas using methods of risk avoidance or reduction; by determining the best technique or combination for treating such exposure that cannot be avoided or reduced, such as risk retention, self-insurance, noninsurance and insurance on those risks that are too great to assume.

Adopted Ordinance #2734 (1983); Amended Ordinance #3397 (1990);

12.343 Appointment of the Risk Manager, Risk Management Division Chief.

The Risk Manager shall be appointed by, under the supervision of, and responsible to the Assistant Administrative Officer for Human Resources.

Adopted Ordinance #2734 (1983); Amended Ordinance #3397 (1990); Amended Ordinance 3390 (1990);

12.344 Filing of Claims.

All tort liability claims required to be presented to the County of San Bernardino under the provisions of the California Tort Claims Act of 1963 (Government Code Section 900 et seq.) shall be filed with the Risk Manager. For purposes of Government Code Section 915 only, the Risk Manager is designated as a Deputy Clerk of the Board of Supervisors. Any such claims received for filing by the Clerk of the Board of Supervisors shall be transmitted forthwith to the Risk Manager.

Adopted Ordinance #2734 (1983); Amended Ordinance #3397 (1990);

12.345 Authority of the Risk Manager, Risk Management Division Chief.

(a) The Risk Manager shall have the power to shut down any County operation or facility which represents an imminent hazard to County employees or to the public.

(b) The Risk Manager or his or her designee is authorized to allow, deny, compromise or settle any tort liability claim or action that is filed against the County of San Bernardino, its officers or employees provided that as to payment:

(1) The amount to be paid pursuant to such allowance, compromise or settlement does not exceed fifty thousand dollars (\$50,000); provided further, that if the matter is in litigation, the allowance, compromise or settlement is with the concurrence of the County Counsel or other attorney retained by the County of San Bernardino, its officers or employees. If the amount to be paid exceeds fifty thousand dollars (\$50,000), the allowance, compromise or settlement must be approved by the Board of Supervisors.

(2) The claim or action is not subject to the terms of an insurance policy wherein the insurer is granted the authority to allow, deny, compromise or settle claims or actions within the scope of such policy.

(c) The Risk Manager or his or her designee is authorized to allow, deny, compromise or settle Workers' Compensation claim or case that is filed against the County of San Bernardino provided:

(1) The claim or action is for benefits as defined under the Workers' Compensation Laws of the State of California.

(2) The claim or action is not subject to the terms of an insurance policy wherein the insurer is granted the authority to allow, deny, compromise or settle claims or actions within the scope of such policy.

(3) That any such compromise or settlement is approved by the Workers' Compensation Appeals Board (WCAB).

(4) Except as hereinafter provided, the amount to be paid pursuant to such compromise or settlement does not exceed fifty thousand dollars (\$50,000); provided further, that if the matter is in litigation the compromise or settlement is with the concurrence of the attorney retained to represent the County of San Bernardino. If the amount to be paid exceeds fifty thousand dollars (\$50,000), the compromise or settlement must be approved by the Board of Supervisors, unless the amount of compromise or settlement is to meet State-mandated payments or benefits under the Workers' Compensation Laws of the State of California such as WCAB-approved lump sum payments for permanent disability, life pension, burial expense and/or death benefits or unless the Workers' Compensation Appeals Board enters an award or other judgment or order.

(d) In all claims or actions that are allowed, compromised or settled, the Auditor-Controller shall, upon written order of the Risk Manager or his or her designee, in accordance with the terms of such allowance, compromise or settlement, cause the necessary warrant to be issued upon the Treasury of the County of San Bernardino in an amount for which such tort liability or Workers' Compensation claim or action has been allowed, compromised or settled pursuant to this section.

Adopted Ordinance #2734 (1983); Amended Ordinance #2967 (1985); Amended Ordinance #3397 (1990); Amended Ordinance 3942 (2004)

12.346 SELF INSURANCE FOR OFFICIAL BONDS

The self insurance program for the County of San Bernardino includes, and is in lieu of, official bonds for any officer or employee employed by the County, and for the officers or employees of any district governed by the Board of Supervisors, and for any officer or attache of the San Bernardino County Superior and Municipal Courts. The Risk Manager shall recommend that the Board of Supervisors approve the purchase of bonds or insurance from commercial sources covering risks included in official bonds when the Risk Manager deems it prudent to supplement the self insurance program and protect the assets of the County.

Adopted Ordinance #3646 (1996).